

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,**

Plaintiff,

**KENNI MILLER,**

Proposed Plaintiff-  
Intervenor

v.

**SHEETZ, INC.; SHEETZ  
DISTRIBUTION SERVICES, LLC; and  
CLI TRANSPORT, LP,**

Defendants.

Civil Action No. 3:24-cv-00231-SLH

Judge: Hon. Stephanie L. Haines

**UNOPPOSED MOTION FOR LEAVE TO FILE A REPLY BRIEF IN SUPPORT OF  
PROPOSED PLAINTIFF-INTERVENOR'S MOTION TO INTERVENE**

**I. INTRODUCTION**

Proposed-Plaintiff Intervenor Kenni Miller (“Proposed Intervenor”), by and through his counsel, respectfully files this Motion for Leave to File a Reply Brief in Support of the Motion to Intervene on or by August 1, 2025. Plaintiff U.S. Equal Employment Opportunity Commission (the “EEOC”) and Defendants Sheetz, Inc., Sheetz Distribution Services, LLC, and CLI Transport, LP (together, “Defendants”) do not oppose this request. This Motion is accompanied by a Proposed Order for the Court’s consideration.

**II. BACKGROUND**

On June 5, 2025, Proposed Intervenor filed his motion to intervene. *See* ECF No. 82. The Court set a deadline of June 27, 2025 for Defendants and the EEOC to respond to the intervention motion. ECF No. 88. The Court subsequently granted the unopposed requests made by Defendants and the EEOC for a two-week extension of time to respond to this

intervention motion on July 11, 2025, *see* ECF Nos. 96, 99. On Friday, July 11, 2025, Defendants filed their brief in opposition to the motion to intervene, ECF No. 110 (“Opp.”), and the EEOC filed its brief in support of the motion to intervene, ECF No. 109.

### III. ARGUMENT

Courts grant motions for leave to file a reply brief where the proposed reply “responds to new evidence, facts, or arguments raised for the first time in the opposition.” *Cumis Ins. Soc’y, Inc. v. Fitch*, No. 23 Civ. 139, 2025 U.S. Dist. LEXIS 94313, at \*4 (D. Del. May 16, 2025) (citing *Versar Env’t Servs. LLC v. Black & Veatch Special Projects Corp.*, No. 23 Civ. 1450, 2024 U.S. Dist. LEXIS 225614, at \*6 (D. Del. Dec. 12, 2024) (ruling on a motion for leave to file a sur-reply)). And “[l]eave to file a reply brief may be granted when the brief will be helpful to the determination of the issues presented in the case.” *McNiff v. Asset Management Specialists*, 337 F.Supp.2d 685, 687 n.1 (E.D. Pa. 2004)

Proposed Intervenor has met this standard. Defendants’ opposition raises multiple new arguments, including the extent of previous discovery in this matter, Opp. at 10-12, whether Proposed Intervenor’s conditional offer of employment was terminated due to his background check, Opp. at 14-18, and whether the proposed CHRIA class is constitutionally infirm, Opp. at 23-24. Allowing this reply would provide the Court with the benefit of full, contested, briefing on these points.

Proposed Intervenor therefore respectfully requests leave to file a reply brief of no more than ten pages to respond to these new arguments, consistent with the Court’s Interim Standing Order, Part D. Motions. Proposed Intervenor further requests that his reply brief be due August 1, 2025, 21 days after the filing of Defendants’ opposition brief. Proposed Intervenor has good cause for requesting this three-week briefing period, to account for the numerous arguments

raised in the opposition (as highlighted above) and preexisting attorney time off. Fed. R. Civ. P. 6(b)(1)(A).

Dated: July 15, 2025

Respectfully submitted,

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